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AUG 12 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8717

UNITED STATES OF AMERICA, Plaintiff, v. Abel TOVAR-Saldana (1) Rogelio MOJICA-Preciado (2) Defendants.	Magistrate's Case No.: COMPLAINT FOR VIOLATION OF Title 21 U.S.C.§ 841(a)(1) Possession of a controlled substance with Intent to Distribute 18 U.S.C. § 2 - Aiding & Abetting

The undersigned complainant duly sworn states:

That on or about August 11, 2008, within the Southern District of California, defendants Abel TOVAR-Saldana and Rogelio MOJICA-Preciado, did knowingly and intentionally possess with intent to distribute approximately 119.11 kilograms (262.60 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title

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21 United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Sanchai W. Dean, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, August 12, 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Abel TOVAR-Saldana (1)
Rogelio MOJICA-Preciado (2)

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to the Drug Enforcement Administration Special Agent Sanchai W. Dean and Task Force Officer Cynthia Barajas.

On August 11, 2008, United States Border Patrol (USBP) Agent Milowski was operating the Remote Video Surveillance System (RVSS) when he observed six individuals walking north from the U.S./Mexico international boundary to the south bank of the All American Canal. Agent Milowski advised other agents in the area via service radio that six individuals were carrying large black bundles or backpacks.

Agent Milowski observed an individual place an inflatable raft into the canal while another individual began placing the large bundles into the raft. Another individual who appeared to be talking on a cellular phone began instructing the others to get out of the canal along with the bundles and the raft. Agent Milowski observed two individuals attempt to conceal the raft and the bundles in the underbrush.

Agents Vega, Toledo and several other USBP agents responded to the area where the suspects were last seen by Agent Milowski. Agents Vega and Toledo saw several bundles scattered along the trail as they followed the tracks left by the suspects. Agents Vega and Toledo inspected the bundles and identified them as bundles of marijuana.

Agent Milowski directed Agent Barron to an area Agent Milowski had just observed one of the suspects. Agent Barron searched the area and located one of the suspects, later identified as Abel TOVAR-Saldana. Agent Barron identified himself as a USBP Agent and determined TOVAR was illegally in the United States. TOVAR was placed under arrest and while being placed in custody, TOVAR exclaimed to Agent Barron the bundles contained drugs and he would be willing to help Agent Barron locate the other smugglers.

Agent Vega continued to follow the tracks left by the smugglers and located another individual attempting to hide in the underbrush. The individual was later identified as Rogelio MOJICA-Preciado.

A total of five (5) duffle bags containing 31 packages with a total weight of 262.60 lbs were seized by USBP. Using a field drug kit, one of the bundles tested positive for marijuana.

MOJICA and TOVAR were advised of their rights per Miranda. MOJICA and TOVAR stated they understood their rights and were willing to answer questions without the presence of an attorney. MOJICA and TOVAR stated they were going to be paid for smuggling the marijuana into the United States.